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 Shelly Soderberg

**UNITED STATES DISTRICT COURT,
 DISTRICT OF ARIZONA**

Shelly Soderberg, both individually and as)	Case No.:
)	
parent and natural guardian of K.S.,)	COMPLAINT AND DEMAND FOR
)	JURY TRIAL
Plaintiff,)	
)	(Unlawful Debt Collection Practices)
v.)	
)	
U.S. Collections West, Inc.,)	
)	
Defendant.)	
)	
)	
)	

PLAINTIFF'S COMPLAINT

Shelly Soderberg, individually and as parent and natural guardian of K.S. (Plaintiff), through her attorneys, Krohn & Moss, LTD., alleges the following against U.S. Collections West, Inc. (Defendant):

INTRODUCTION

- Count I of Plaintiff's Complaint is based on the Fair Debt Collection Practices Act, 15 U.S.C. 1692 et seq. (FDCPA).

JURISDICTION AND VENUE

- Jurisdiction of this court arises pursuant to 15 U.S.C. 1692k(d), which states that such actions may be brought and heard before "any appropriate United States district court without regard to the amount in controversy."

- 1 3. Defendant conducts business in the state of Arizona, and therefore, personal jurisdiction
2 is established.
- 3 4. Venue is proper pursuant to *28 U.S.C. 1391(b)(1) and 28 U.S.C. 1391(b)(2)*.

4 **PARTIES**

- 5 5. K.S. is the daughter of Plaintiff and is a minor, and is also a consumer as that term is
6 defined by *15 U.S.C. 1692a(3)*, and according to Defendant, Plaintiff's daughter
7 allegedly owes a debt as that term is defined by *15 U.S.C. 1692a(5)*.
- 8 6. Plaintiff and K.S. are natural persons residing in Payson, Arizona.
- 9 7. Defendant is a debt collector as that term is defined by *15 U.S.C. 1692a(6)*, and sought
10 to collect a consumer debt from K.S..
- 11 8. Defendant is a collection agency with offices in Phoenix Arizona and conducts business
12 in Arizona.
- 13 9. Defendant acted through its agents, employees, officers, members, directors, heirs,
14 successors, assigns, principals, trustees, sureties, subrogees, representatives, and
15 insurers.

16 **FACTUAL ALLEGATIONS**

- 17 10. Defendant placed collection calls to Plaintiff and Plaintiff's daughter, seeking and
18 demanding payment for an alleged debt regarding classes taken by K.S..
- 19 11. Defendant told K.S. that it would ruin her credit when she turned 18 if she failed to pay
20 the alleged debt.
- 21 12. Defendant told K.S. that it was only a matter of time until they could ruin her credit.
- 22 13. Plaintiff requested that Defendant cease all telephone contacts with her daughter and to
23 contact her regarding the alleged debt. Despite this request, Defendant continued to
24 contact K.S. regarding the alleged debt..
- 25 14. Defendant contacted Plaintiff and K.S. from its phone number (602) 995-3196.

COUNT I
DEFENDANT VIOLATED THE FAIR DEBT COLLECTION PRACTICES ACT

15. Defendant violated the FDCPA based on the following:

- a. Defendant violated §1692d of the FDCPA by engaging in conduct the natural consequence of this is to harass, abuse, and oppress the Plaintiff;
- b. Defendant violated §1692e of the FDCPA by making false, deceptive, and misleading representations in connection with the debt collection; and
- c. Defendant violated §1692e(10) of the FDCPA by using deceptive means in an attempt to collect a debt by threatening to ruin Plaintiff's daughter's credit when she turned 18 in an attempt to coerce payment.

WHEREFORE, Plaintiff, Shelly Soderberg, individually and as parent and natural guardian of K.S, respectfully requests judgment be entered against Defendant, Hutchinson, Perry & Associates, for the following:

16. Statutory damages of \$1,000.00 pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k,

17. Costs and reasonable attorneys' fees pursuant to the Fair Debt Collection Practices Act, 15 U.S.C. 1692k

18. Any other relief that this Honorable Court deems appropriate.

RESPECTFULLY SUBMITTED,

DATED: February 2, 2011

KROHN & MOSS, LTD.

By: /s/ Ryan Lee
Ryan Lee
Attorney for Plaintiff

DEMAND FOR JURY TRIAL

1 Plaintiff, Shelly Soderberg, demands a jury trial in this cause of action.
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VERIFICATION OF COMPLAINT AND CERTIFICATION


STATE OF ARIZONA

Plaintiff, SHELLY SODERBERG, states as follows:

1. I am the Plaintiff in this civil proceeding.
2. I have read the above-entitled civil Complaint prepared by my attorneys and I believe that all of the facts contained in it are true, to the best of my knowledge, information and belief formed after reasonable inquiry.
3. I believe that this civil Complaint is well grounded in fact and warranted by existing law or by a good faith argument for the extension, modification or reversal of existing law.
4. I believe that this civil Complaint is not interposed for any improper purpose, such as to harass any Defendant(s), cause unnecessary delay to any Defendant(s), or create a needless increase in the cost of litigation to any Defendant(s), named in the Complaint.
5. I have filed this Complaint in good faith and solely for the purposes set forth in it.

Pursuant to 28 U.S.C. § 1746(2), I, SHELLY SODERBERG, hereby declare (or certify, verify or state) under penalty of perjury that the foregoing is true and correct.

DATE: 2/2/2011


SHELLY SODERBERG

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